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Attorneys for Defendants Gray and Salazar

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

TROY DOMINIC MABON, JR.,

Plaintiff,

v.

S. YOUNG, et al.,

Defendants.

08CV0258-JLS(CAB)

DEFENDANT GRAY'S NOTICE
OF MOTION AND MOTION TO
DISMISS (F.R.Civ.P. 12(b))

Date: October 2, 2008

Time: 1:30 p.m.

Ctrm: 6

Judge: The Honorable Janis L. Sammartino

NO ORAL ARGUMENT REQUIRED

TO PLAINTIFF APPEARING PRO SE:

PLEASE TAKE NOTICE that on October 2, 2008, at 1:30 p.m., or as soon thereafter as this matter may be heard in Courtroom 6 of the above-entitled court located at 940 Front Street in San Diego, CA, the Honorable Janis L. Sammartino presiding, defendant C. Gray, SRN will move and hereby does move this court for an order dismissing the Complaint Under the Civil Rights Act 42 U.S.C. § 1983 in its entirety as to defendant Gray pursuant to Federal Rules of Civil Procedure ("F.R.Civ.P.") rule 12(b) on the grounds that the plaintiff named defendant Gray in her official capacity only and that the court lacks jurisdiction. (12(b)(2).) Additionally, on the grounds that plaintiff failed to state a claim against moving party upon which relief can be granted. (12(b)(6).)

1 This motion is based on all of the pleadings and filings constituting the file in this action,
2 this Notice of Motion and Motion to Dismiss, the Memorandum of Points and Authorities in Support
3 of the Motion, any opposition and reply to the opposition filed, and such argument that is permitted
4 by the court at the time of the hearing on the motion.

5 Dated: July 30, 2008

6 Respectfully submitted,

7 EDMUND G. BROWN JR.
Attorney General of the State of California

8 KRISTIN G. HOGUE
Supervising Deputy Attorney General

9
10 s/ *William A. Buess*

11 WILLIAM A. BUESS
Deputy Attorney General
12 Attorneys for Defendants Gray and Salazar

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CERTIFICATE OF SERVICE

Case Name: **MABON v. YOUNG**

No.: **08cv0258-JLS(CAB)**

I declare:

On July 30, 2008, I electronically filed the following document(s):

DEFENDANT GRAY'S NOTICE OF MOTION AND MOTION TO DISMISS

DEFENDANT GRAY'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF MOTION TO DISMISS

CERTIFICATE OF SERVICE

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following
person(s), who are currently on the list to receive e-mail notices for this case:

NONE

Manual Notice List

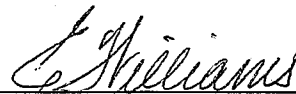
The following are those who are **not** on the list to receive e-mail notices for this case (who
therefore require manual noticing):

Troy Dominic Mabon
V70737
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

I declare under penalty of perjury under the laws of the State of California the foregoing is true
and correct and that this declaration was executed on July 30, 2008, at San Diego, California.

E Williams

Declarant



Signature

SD2008801592

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